IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 19507 of 2006(V)

PETITIONERS:

1. **MRS.RAJASHREE BHATTER,**
   M/S.MALABAR PROCESSORS LIMITED,
   7-B, JEWEL ARCADE, LAYAM ROAD,
   ERNAKULAM.

2. **MR.A.P.SUBHASH,**
   NO.6AB, 2ND FLOOR, JEWEL ARCADE,
   LAYAM ROAD, ERNAKULAM.

3. **MR.LITTO PALATHINGAL,**
   ROOM NO.8A, 2ND FLOOR,
   JEWEL ARCADE, LAYAM ROAD,
   ERNAKULAM.

4. **MR.C.L.TOMSON,**
   ROOM NO.8 C, 2ND FLOOR,
   JEWEL ARCADE, LAYAM ROAD,
   ERNAKULAM.

5. **MR.PADMINI UNNIKRISHNAN,**
   ROOM NO.8, GROUND FLOOR,
   JEWEL ARCADE, LAYAM ROAD,
   ERNAKULAM.

BY ADV. SRI.DEVAN RAMACHANDRAN

RESPONDENTS:

1. **THE CORPORATION OF COCHIN,**
   REP. BY ITS SECRETARY,
   KOCHI.

2. **THE COMMANDANT GENERAL,**
   DEPARTMENT OF FIRE FORCE,
   GUKULAM, PATTOM, THIRUVANANTHAPURAM-695 004.

3. **M/S.U.K.CHETTIAR INVESTMENT PVT. LTD.,**
   XL/7695-A, CHITTOOR ROAD, KOCHI,
   REP. BY ITS MANAGING DIRECTOR,
   MR.P.P.RAMACHANDRAN.

**4. MR.P.P.RAMACHANDRAN, MANAGING DIRECTOR,
M/S.U.K.CHETTIAR INVESTMENT PVT. LTD.,
XL/7695-A, CHITTOOR ROAD, KOCHI.**

R1 BY ADV. SRI.S.RAMESH BABU, SC.COCHIN CORPN.
R2 BY SENIOR GOVERNMENT PLEADER SRI.K.J. MOHAMMED ANZAR
R3 & R4 BY SRI.GEORGE THOMAS (MEVADA)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 19507 OF 2006 V

Dated this the 18th July, 2007

JUDGMENT

Prayer is for a direction to the first respondent Corporation to take immediate action against respondents 3 and 4 to stop further construction on the building `Jewal Arcade', Layam Road, Kochi-18 and for a further direction to cause an inspection of the said building. Case of the petitioners, in brief, is as follows:

They have purchased office space put up by respondents 3 and 4. They found various defects and they have also found that further construction is being made making the building extremely unstable. The building is in an extremely dangerous condition, it is their case. Petitioners have preferred Ext.P3 representation. A Counter Affidavit has been filed by respondents 3 and 4. A Report is also filed by the Secretary of the respondent Corporation as directed by this Court. I find that various defects are pointed out. They include leakages and

cracks on the walls. It is further stated that Fire Safety Equipments are not at all functioning and they are seen rusty and useless and none of them fulfill the mandatory requirements with regard to updating of these equipments. It is stated that fire safety requirements include moving of fire equipments is practically impossible as the space available around the building is very narrow and the height of the sunshade also prohibits movement of fire fighting vehicles. It is stated that whether there is sufficient rain water harvesting facility is doubtful. Electrical wiring is also seen to be in a wasted condition. It is further stated that the existing building was constructed on the basis of exemption orders from the Government. Additional construction is carried out on the existing building for three floors. Certificate from a structural Engineer showing that the building is designed as per IS Code is produced. It is also stated that whether the actual construction is according to all the standards and satisfies structural safety is not produced. In such circumstances, it was found necessary to stop the construction

and it is stated that it has been ordered to be stopped by Order dated 2.9.2006 and the builder has been directed to produce certain materials.

2. According to the counsel for the builders, the building itself has been numbered. At any rate, having regard to the statements contained in the Report and the Stop Memo issued, the Writ Petition is disposed of directing the first respondent to consider whether the defects pointed out in the Report have been rectified. In doing so, an opportunity of hearing will be given to the petitioners or their representatives and also respondents 3 and 4. A decision in the matter in accordance with law will be taken within a period of one month from the date of production of a copy of this Judgment. The order directing stoppage of construction will continue till a decision is taken as aforesaid.

K. M. JOSEPH, JUDGE

kbk.